

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

vs.

ALEXANDER JAMES BURKE

CRIMINAL NO. 14-565

HONORABLE JOEL H.
SLOMSKY

ORDER

AND NOW, This _____ day of October 2015, it is ORDERED that Siemens Corp. promptly supply defense counsel with all subpoenaed materials forthwith.

BY THE COURT:

HONORABLE JOEL H. SLOMSKY

Evan T.L. Hughes, Esquire
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Attorney for Defendant

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**MOTION TO COMPEL DISCOVERY
AND ANSWER DEFENDANT'S SUBPOENA**

COMES NOW, Evan T.L. Hughes, Esquire, counsel for Defendant, Alexander Burke, and respectfully requests this Honorable Court to grant this motion pursuant to F.R.C.P. 16(a)(1)(E) and F.R.C.P. 17(c)(3) and compel Siemens Corp to answer defendant's subpoena and supply defense counsel with all subpoenaed materials, and in support thereof avers:

- 1) Defendant is scheduled for a jury trial to begin on February 23, 2015.

- 2) Defendant, by and through counsel, issued a subpoena duces tecum on Siemens on August 31, 2015 (see attached Ex. A and B).
- 3) Siemen's responded to the undersigned counsel through their attorney Nicholas Harbist on September 8, 2015.
- 4) The undersigned counsel has made efforts to resolve the matter between counsel without success.
- 5) The subpoenaed items are not in the possession of the USA and are necessary for the preparation of the defense.
- 6) Much of the material must be reviewed by defense experts to aide in their report preparation.
- 7) The withholding of the subpoenaed information is causing the delay of this trial.
- 8) Defense counsel discussed limiting some of the subpoenaed items in an effort to resolve this without the need for motion practice.
- 9) Defendant cannot adequately prepare for trial without the requested items.
- 10) Defense counsel also respectfully requests that Siemens Corp be compelled to turn over a copy of the pertinent Siemens invoice approval policy (4 eyes policy).

- 11) Defense counsel also respectfully requests that Siemens Corp be compelled to turn over all copies of letter(s) signed by D. Staudt or others, sent from Siemens to Alexander Burke in May and June 2013 via email to burkeaj@hotmail.com and sent via other means.
- 12) Defense counsel is respectfully requesting that Siemens Corp be compelled to turn over all subpoenaed and abovementioned items items forthwith as they are necessary for the preparation of an effective defense.

WHEREFORE, the undersigned counsel respectfully requests that this Honorable Court grant Defendant's motion and compel Siemens Corp to provide all subpoenaed items forthwith.

DATED this 14th day of October, 2015.

THE HUGHES FIRM, LLC

/s/

By _____

Evan T.L. Hughes, Esq.
Attorney for Defendant

VERIFICATION

I, Evan T.L. Hughes, hereby verify that the foregoing statements are accurate and made subject to the penalties of perjury.

/s/

By _____

Evan T.L. Hughes, Esq.

CERTIFICATE OF SERVICE

I, hereby certify, that on this date a true and correct copy of this Motion was served upon the United States via electronic notice.

/s/

By _____

Evan T.L. Hughes, Esq.